REMARKS

Applicants would like to thank the Examiner for careful consideration of the pending application and for allowance of Claims 27, 43 and 44.

Claims 1-10, 12, 13, 18-24 and 26-44 are pending in this application. Applicants gratefully acknowledge the Examiner's statement that Claims 1-10, 12, 13, 18-24, 26, and 28-42 are allowable. Independent Claims 1, 23, 26, 27, 28, 42, 43 and 44 have been amended for clarification. Support for all amendments can be found in the specification as originally filed. No new matter has been added.

Claim Objections and Rejection of Claim 44

Claim 44 stands objected to for not being in proper form because it does not end in a period and stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out what Applicant regards as the invention.

Component C) of Claim 44 was inadvertently deleted from the end of Claim 44 as submitted in the Response and Amendment of February 23, 2006. Independent Claim 44 has been amended to add Component C) and to place a period at the end of the claim, thereby attending to the Examiner's objection and rejection under 35 U.S.C. 112, second paragraph. Reconsideration and withdrawal of the Examiner's objection and rejection is respectfully requested.

Rejections under 35 U.S.C. 112

Claims 1-10, 12, 13, 18-24, 26 and 28-42 stand rejected under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim that which the Applicant regards as the invention.

The Examiner alleges that the added limitation encompasses the preparation of one rubber "A" from another rubber "A" is new matter.

Applicants have amended independent Claims 1, 23, 26, 28, and 42 to remove the terminology "at least one". Therefore, independent Claims 1, 23, 26, 28, and 42 feature the preparation of "A" being separate from the preparation of "B". Reconsideration and withdrawal of the Examiner's rejection is respectfully requested.

Double Patenting

Claims 27, 43 and 44 stand rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-16 of U.S. Patent No. 6,716,916.

Applicants submit that independent Claims 27, 43 and 44 as amended are patentably distinct over Claims 1-16 of U.S. Patent No. 6,716,916. Accordingly, reconsideration in light of the amendments and remarks presented herein and withdrawal of the Examiner's rejection is respectfully requested.

Rejections under 35 U.S.C. 102(b)

Claims 27, 43 and 44 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,716,916 to Sun et al. (hereinafter "Sun").

It is well settled that in order for a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in prior art. The disclosure requirement under 35 U.S.C. 102 presupposes knowledge of one skilled in art of claimed invention, but such presumed knowledge does not grant license to read into prior art reference teachings that are not there. See *Motorola Inc. v. Interdigital Technology Corp.* 43 USPQ2d 1481 (1997 CAFC).

Sun is directed to a thermoplastic molding composition containing the graft rubber product of a two-step polymerization reaction. In the first step, occurs a free-radical emulsion polymerization of resin-forming vinyl monomers in the presence of latex rubber using a persulfate containing compound initiator. A redox initiator is then added to the reaction in a second step.

Sun fails to teach or suggest a thermoplastic molding prepared by combining graft rubbers by persulfate initiated and redox initiated polymerization that were prepared separately as recited in amended independent Claims 27, 43 and 44, and therefore, does not anticipate the present claimed invention. Sun clearly states that, "in the beginning of the graft polymerisation reaction the persulfate compound is added... after the addition of monomers... the redox initiator is added..." (column 2, lines 6-16) indicating that the process of Sun is directed to a polymerization reaction that occurs in the same vessel in two steps: the persulfate initiator is added (step 1), and after some

amount of time, the redox initiator is added (step 2) to the same reaction. This is in stark contrast to amended independent Claims 27, 43 and 44 which clearly recites that "the grafted polymers A) and B) are prepared separately". In other words, the graft rubber components A and B of amended independent Claims 27, 43 and 44 are prepared separately and combined after polymerization. Sun does not disclose combining graft polymers that are prepared separately, and consequently, fails to disclose every element of amended independent Claims 27, 43 and 44. Therefore, Sun cannot be relied upon for a rejection under 35 U.S.C. 102(b).

Accordingly, Sun fails to anticipate amended independent Claims 27, 43 and 44 as Sun fails to disclose the thermoplastic compositions of amended independent Claims 27, 43, and 44. Reconsideration and withdrawal of the Examiner's rejection is respectfully requested.

Applicants submit that the pending claims are now in condition for allowance and notice to such effect is respectfully requested. Should the Examiner have any questions regarding this application, the Examiner is invited to initiate a telephone conference with the undersigned.

Respectfully submitted,

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October 3, 2006

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